

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
DIVISION

KC FILED  
1-28-2008  
JAN 28 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

SUSAN TOMAS

(Name of the plaintiff or plaintiffs)

CIVIL ACTION

NO. \_\_\_\_\_

(Case number will be supplied by the  
assignment clerk)

UNION AFSCME - AMERICAN FEDERATION  
STATE COUNTY MUNICIPAL EMPLOYEES  
LOCAL 1006, 29 N. WACKER DR. CHGO, IL 60606  
PATRICIA DUSLEY - PRESIDENT  
RUDLEY HERRON - CHIEF STEWARD  
MARK FISHER - VICE PRESIDENT

(Name of the defendant or defendants)

08CV610  
JUDGE BUCKLO  
MAGISTRATE JUDGE DENLOW

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is SUSAN TOMAS of  
the county of COOK in the state of ILLINOIS

3. The defendant is AFSCME LO. 1006 PATRICIA DUSLEY, RUDLEY HERRON, MARK FISHER

resides at (street address) 29 N. WACKER DR. SUITE 800, CHICAGO

(city) CHICAGO (county) COOK (state) IL (ZIP) 60606

(Defendant's telephone number) (312) - 793-1782

4) The plaintiff sought employment or was employed by the defendant at

(street address) 2550 W ADDISON, CHICAGO, IL 60618

(city) CHICAGO (county) COOK (state) IL (ZIP code) 60618

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant. ☐ was misrepresented by UNION AFSCME IN EMPLOYMENT ISSUES
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, SINCE STARTED EMPLOYMENT AT JDES I WAS NEVER REPRESENTED PER CONTRACT AGREEMENT  
FROM (month) \_\_\_\_\_, (day) \_\_\_\_\_, (year) 2001.

7. (a) The plaintiff [check one box] ☐ has not filed a charge or charges against the defendant ☐ has

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission on or about  
(month) DECEMBER (day) 04 (year) 2006.
- (ii) ☒ the Illinois Department of Human Rights on or about  
(month) 11 (day) \_\_\_\_\_ (year) 2007 pending

(b) If charges were filed with an agency indicated above, a copy of the charge is FOR EEOC

attached. ☒ YES ☐ NO

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

8. (a) ☒ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) 11-2-07  
(day) 2 (year) 2007 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check all that apply]

- (a) ☐ Age (Age Discrimination Employment Act).  
 (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).  
 (c) ☐ Disability (Americans with Disabilities Act)  
 (d) ☒ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).  
 (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).  
 (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)  
 (g) ☐ Sex (Title VII of the Civil Rights Act of 1964) *& Retaliation*

10. The plaintiff is suing the defendant, a state or local government agency, for discrimination on the basis of race, color, or national origin (42 U.S.C. §1983).

☒ YES ☐ NO

11. Jurisdiction over the statutory violation alleged is conferred as follows: over Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); over 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; over the A.D.E.A. by 42 U.S.C. §12117.

12. The defendant [check all that apply]

- (a) ☐ failed to hire the plaintiff.  
 (b) ☐ terminated the plaintiff's employment.  
 (c) ☐ failed to promote the plaintiff.  
 (d) ☐ failed to reasonably accommodate the plaintiff's religion.  
 (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.

(f) ☒ other (specify): *Failed to represent in: grievance procedures, demotion & did not notify about result of demotion at 3rd level, Assistant to see file (personal) retaliated against on testimony, covered up fact that was permanent position BUT IT WAS ONLY temporary assignment. Representing my manager who threaten me at the close door and abused me mentally, & retaliated against me. DID NOT RESPOND to calls & e-mails. Did not represent me in anything tried & covered up with my manager discrimination of disable person, taking bribery by my supervisor, & my co-worker who was selling stolen gift cards on property STATE during work hours, because he was told to deny this disable mute person. Union representatives knew about this & it was clear why I was retaliated, I told this Mrs Ousley she said she do not believe, because she knows my manager 20 years (they were working together). Her sitting w/ manager cause even more abuse and hardship. I went to hospital with chest pain Management gave me oral reprimand for insubordination, because I did not want to sign false statement*

13. The facts supporting the plaintiff's claim of discrimination are as follows:

*AFSCME UNIDid not provide representation like others  
response to my issues as I am a less than human  
& stupid foreigner ignored my calls e-mails  
lied at testimony, that I told her that my manager  
rape me. First time I learned this when I order copy  
of investigation from EEOC & received this on 1-26-08  
I can take lie detector test that I did not say such  
as accusation. They want to undermine my integrity*

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully *off set attorney  
about the discrimi  
& bribaries & coveru  
100 worker who was  
selling gift card exch  
ng from stolen goods* discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury.

☒ YES

☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Find that the defendant failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ Direct the defendant to (specify): *Financial losses due to purposeful discrim  
& emotional distress that escalated even more  
because of being part of manager James Johns &  
crew. Breach of contract, retaliation forcing managem  
to return back to LO #70 to my abuser. Breach of fiduciar  
relationship and duty to Fair Representat,*
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature) Susan Tomas

(Plaintiff's name) SUSAN TOMAS

(Plaintiff's street address) 8901 WESTERN #406 1

(City) DES PLAINES (State) IL (ZIP) 60016

(Plaintiff's telephone number) <sup>cell</sup> (912) - 799-1184 H. 847-824-5001

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**440-2007-01525****Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Susan M. Tomas**

Home Phone (Incl. Area Code)

**(847) 824-5001**

Date of Birth

Street Address

City, State and ZIP Code

**8901 Western Avenue #406, Des Plaines, IL 60016**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**AFSCME**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(312) 641-6060**

Street Address

City, State and ZIP Code

**Amer Fed St Cty Mun Employees, 29 N. Wacker Dr, Suite 800, Chicago, IL 60606**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**05-04-2005****12-04-2006**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired by my employer in August 2001. My current position is as a Program Representative. Since May 2005 and continuing into the past three hundred days, Respondent has refused to file grievances or to adequately represent me in connection with workplace issues. I filed two charges with EEOC against my employer, including one in January 2006 (#440-2006-00354), which alleged race discrimination and in June 2006 (#440-2006-06835) alleging retaliation and national origin discrimination. Since then, the Respondent has retaliated against me by not conducting a proper investigation into union complaints related to the two charges and ignoring my inquiries for assistance, to file further grievances, or to advise me on my rights as a union member.

I believe that I have been discriminated against because of my national origin, Polish, and retaliated against, in violation of Title VII of the Civil Rights Act of 1964, as amended.

240 100000 000000  
 DEC 04 2006

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

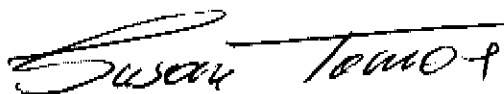
I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

**Dec 04, 2006**

Date



Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
 (month, day, year)

EEOC Form 161 (3/98)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Susan M. Tomas  
8901 Western Avenue #406  
Des Plaines, IL 60016

From: Chicago District Office  
500 West Madison St  
Suite 2800  
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8814 8068



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL** (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2007-01525

Percille Bryant,  
Investigator

(312) 353-8180

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

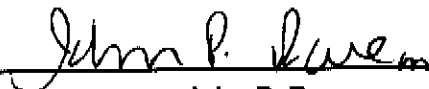
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



John P. Rowe,  
District Director

Enclosures(s)

11-2-07

(Date Mailed)

cc: AFSCME LOCAL 1006